The A. F. of L. Weekly News Service gives a brief summary of important matters affecting labor, occurring in the industrial, legislative, and judicial fields, and such other information that will benefit the trade union movement.

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UNITED STATES SUPREME COURT DECISION IN CORONADO COAL CASE

Following is the decision of the Supreme Court of the United States in the case of The United Mine Workers of America vs. The Coronado Coal Company:

UPREME COURT OF THE UNITED STATES.

No. 31—October Term, 1921.

he United Mine Workers of America, et. al. Plaintiffs in Error, vs. he Coronado Coal Company, et al., Error to the United States Circuit Court of Appeals for the Eighth Circuit.

This is a writ of error brought nder Section 241 of the Judicial ode to review a judgment of the rcuit Court of Appeals of the ighth Circuit. That court on a rit of error had affirmed the judgent of the District Court for the estern District of Arkansas, in vor of the plaintiffs, with some odification, and that judgment us affirmed is here for review.

The plaintiffs in the District Court ere the receivers of the Bache-enman Coal Company, and eight her corporations in each of which e first named company owned a ntrolling amount of stock. They ere closely inter-related in corpote organization and in the physil location of their coal mines. hese had been operated for some ars as a unit under one set of ficers in the Prairie Creek Valley Sebastian County, Arkansas. In ly, 1914, the District Court for the estern District of Arkansas apinted a receiver for all of the ne companies by a single decree. he receiver then appointed was cceeded by Franklin Bache, who such is defendant in error here.

The defendants in the court below re the United Mine Workers of nerica, and its officers, District 21 the United Mine Workers of nerica, and its officers, 27 local ions in District No. 21, and their ficers, and 65 individuals mostly embers of one union or another, t including some persons not embers, all of whom were charged the complaint with having ented into a conspiracy to restrain d monopolize interstate comerce, in violation of the first and cond sections of the Anti-Trust t, and with having, in the course that conspiracy, and for the purse of consummating it, destroyed e plaintiff's properties. Treble mages for this and an attorney's e were asked under the seventh ction of the act.

The original complaint was filed September, 1914, about six weeks ter the destruction of the propty. It was demurred to, and the istrict Court sustained the deurrer. This was carried to the burt of Appeals on error, and the ling of the District Court was versed. Dowd vs. United Mine orkers, 235 Fed. 1. The case then me to trial on the third amended mplaint and answers of the dendants. The trial resulted in a rdict of $200,000 for the plainffs, which was trebled by the burt and to which was added a unsel fee of $25,000, and interest the amount of $120,600, from July 1914, the date of the destruction the property, to November 22, 17, the date upon which judgment as entered. The verdict did not parate the amount found between e companies. On a writ of error om the Court of Appeals, the case as reversed as to the interest, but other respects the judgment was firmed, 258 Fed. 829. The defendts, the International Union and istrict No. 21, have given a superdeas bond to meet the judgment it is affirmed as against both or her of them.

The third amended complaint ers that of the nine companies, of hich the plaintiff was receiver, and r which he was bringing his suit, e were operating companies enged in mining coal and shippping in interstate commerce, employg in all about 870 men, and ming an annual product when workg to their capacity valued at $465, 0, of which 75 per cent was sold nd shipped to customers outside the State. Of the five operating mpanies, one was under contract operate the properties of two the others, and four non-operatg companies were each financially terested in one or more of the erating companies either by lease, contract, or by the ownership all or a majority of their stock. he defendant, the United Mine orkers of America, is alleged to be unincorporated association of ine workers, governed by a conitution, with a membership exeding 400,000 subdivided into irty districts and numerous local ions. These subordinate districts d unions are subject to the conitution and by-laws not only of e International Union, but also constitutions of their own.

The complaint avers that the nited Mine Workers divide all coal ines into two classes, union or ganized mines operating under a ntract with the union to employ ly union miners, and open shop non-union mines, which refuse make such a contract; that owg to the unreasonable restrictions d regulations imposed by the ion on organized mines, the cost production of union coal is unecessarily enhanced so as to prent its successful competition in e markets of the country with n-union coal; that the object of e conspiracy of the United Mine orkers and the union operators ting with them is the protection the union-mined coal by the prention and restraint of all interate trade and competition in the oducts of non-union mines. The mplaint enumerates twenty-three ates in which coal mining is conicted, and alleges that the coal ined in each comes into competion in interstate commerce, direct or indirectly, with that mined in inois, Kentucky, Alabama, New exico, Colorado, Kansas, Oklahoma, ebraska, Kansas, Missouri, Iowa d Minnesota, where, but for the efendants' unlawful interference, laintiffs would have been engaged trade in 1914; that the bitumins mines of the greater part of e above territory are union mines, e principal exceptions being Alaama, West Virginia, parts of ennsylvania and Colorado, which e defendant has thus far been unble to organize.

The complaint further avers that rly in 1914, the plaintiff companies cided that the operating comnies should go on a non-union open shop basis. Two of them, the Prairie Creek Coal Mining Company and the Mammoth Vein Coal Company, closed down and discontinued as union mines, preparatory to reopening as open shop mines in April. They were to be operated under a new contract by the Mammoth Vein Coal Mining Company. Another of the companies, the Hartford Coal Company, which had not been in operation, planned to start as an open shop mine as soon as convenient in the summer of 1914. The fifth, the Coronado Coal Company, continued operating with the union until April 18, 1914, when its employes struck because of its unity of interest with the other mines of the plaintiffs. The plaintiff says that in April, 1914, the defendants and those acting in conjunction with them, in furtherance of the general conspiracy, already described, to drive non-union coal out of interstate commerce, and thus to protect union operators from non-union competition, drove and frightened away the plaintiffs' employes including those directly engaged in shipping coal to other States, prevented the plaintiffs from employing other men destroyed the structures and facilities for mining, loading and shipping coal, and the cars of interstate carriers waiting to be loaded, as well as those already loaded with coal in and for interstate shipment, and prevented plaintiffs from engaging in or continuing to engage in interstate commerce. The complaint alleges that the destruction to the property in business amounted to the sum of $740,000, and asks judgment for three times that amount or $2,220,000. Certain of the funds of the United Mine Workers in Arkansas were attached. The defendants, the United Mine Workers of America, District No. 21, and each local union and each individual defendant filed a separate answer. The answers deny all the averments of the complaint. The trial began on October 24, 1917, and a verdict and judgment were entered on November 22, following. The evidence is very voluminous, covering more than 3,000 printed pages.

Mr. Chief Justice Taft, after stating the case, delivered the opinion of the Court.

There are five principal questions pressed by the plaintiffs in error here, the defendants below. The first is that there was a misjoinder of parties plaintiff. The second is that the United Mine Workers of America, District No. 21, United Mine Workers of America and the local unions made defendants are unincorporated associations and not subject to suit and therefore should have been dismissed from the case on motions seasonably made. The third is that there is no evidence to show any agency by the United Mine Workers of America, in the conspiracy charged or in the actual destruction of the property, and no liability therefor. The fourth is that there is no evidence to show that the conspiracy alleged against District No. 21, and the other defendants, was a conspiracy to restrain or monopolize interstate commerce. The fifth is that the court erred in a supplemental charge to the jury, which so stated the court's view of the evidence as to mount to a mandatory direction coercing the jury into finding the verdict which was recorded.

First. It does not seem to us that there was a misjoiner of parties under the procedure as authorized in Arkansas. In that State the law provides that when causes of action of a like nature, or relative to the same question, are pending before any of its circuit or chancery courts, the court may make such orders and rules regulating proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so. In Southern Anthracite coal Company v. Bowen, 93 Ark. 140, the court consolidated over objection by defendant, two suits by two workmen who had been injured in the same accident, and the Supreme Court aproved of this action. In Fidelity Insurance Company v. Freedman, 117 Ark. 71, it was held that actions by an injured person and by a mortgagee against eight insurance companies on eight different fire insurance policies could be consolidated against the objection by defendants, and they were tried together. Of course, the application of this rule of the Arkansas Courts under the Federal Conformity Act, will be qualified to prevent injury to any substantial right secured by federal law in the trial. It is a case for the exercise of reasonable discretion by the trial court. We cannot say that this discretion was abused in this case. All the companies for which the plaintiff herein is receiver, were united together in interest and were largely under the control of one of them. The active manager of all of them for years was Franklin Bache. He is now the receiver, and as such, the plaintiff. There was no need for a division in the verdict of damages found, because the union of interest between the defendants involved no difficulty in the distribution among them of the amount found. The judgement is res adjudicata as to all the plaintiffs, and we can find no substantial reason for disturbing it on this ground. No difficulty presented itself with respect to the challenge of jurors by either side, and so far as appears there was no embarassment to the defendants growing out of the union of the plaintiffs. On the contrary an examination of the evidence shows that all the witnesses for the defendants treated the plaintiffs as a unit. They were so regarded in business and in the neighborhood where the mines were.

Second. Were the unincorporated associations, the International Union, District No. 21, and the local unions suable in their names? The United Mine Workers of America is a national organization. Indeed, because it embraces Canada it is called the International Union. Under its constitution, it is intended to be the union of all workmen employed in and around coal mines, coal washers and coke ovens on the American continent. Its declared purpose is to increase wages and improve conditions of employment of its members by legislation, conciliation, joint agreements and strikes. It demands not more than eight hours a day of labor. The union is composed of workmen eligible to membership and is divided into districts, sub-districts and local unions. The ultimate authority is a general convention to which delegates selected by the members in their local organizations are elected. The body governing the union in the interval between the conventions is the International board consisting of the principal officers, the president, vice-president and secretary-treasurer, together with a member from each district. The president has much power. He can remove or suspend international officers, appoints the national organizers and subordinates, and is to interpret authoritatively the constitution, subject to reversal by the International board. When the Board is not in session the individual members are to do what he directs them to do. He may dispense with initiation fees for admission of new locals and members. The machinery of the organization is directed largely toward propaganda, conciliation of labor disputes, the making of scale agreements with operators, the discipline of officers, members, districts and locals, and towards strikes and the maintenance of funds for that purpose. It is admirably framed for unit action under the direction of the National officers. It has a weekly journal, whose editor is appointed by the president, which publishes all official orders and circulars, and all the union news. Each local union is required to be a subscriber, and its official notices are to be brought by the secretary to the attention of the members. The initiation fees and dues collected from each member are divided between the national treasury, the district treasury and that of the local. Should a local dissolve, the money is to be transmitted to the national treasury.

The rules as to strikes are important here. Section 27 of the constitution is as follows:

"The Board shall have power between conventions, by a two-thirds vote, to recommend the calling of a general strike, but under no circumstances shall it call such strike until approved by a referendum vote of the members."

Under Article 16, no district is permitted to engage in a strike involving all or a major portion of its members without sanction of the International Convention or Board.

Section 2 of that article provides that districts may order local strikes within their respective districts "on their own responsibility, but where local strikes are to be financed by the International Union, they must be sanctioned by the International Board."

Section 3 provides that in unorganized fields the Convention or Board must sanction strikes and no financial aid is to be given until after the strike has lasted four weeks, unless otherwise decided by the Board. The Board is to prescribe conditions in which strikes are to be financed by the International Union and the amount of strike relief to be furnished by striking members. In such cases, the President appoints a financial agent to assume responsibility for money to be expended from the International funds, and he only can make binding contracts. There is a uniform system of accounting as to the disbursements for strikes.

The membership of the union has reached 450,000. The dues received from them for the national and district organizations make a very large annual total, and the obligations assumed in traveling expenses, holding of conventions, and general overhead cost, but most of all in strikes are so heavy that an extensive financial business is carried on, money is borrowed, notes are given to banks, and in every way the union acts as a business entity, distinct from its members. No organized corporation has greater unity of action, and in none is more power centered in the governing executive bodies.

Undoubtedly at common law an unincorporated association of persons was not recognized as having any other character than a partnership in whatever was done, and it could only sue or be sued in the names of its members, and their liability had to be enforced against each member. Pickett v. Walsh, 192 Mass. 572; Karges Furniture Co. v. Amalgamated Wood Workers' Local Union, 165 Ind. 142; Baskins v. United Mine Workers (Ark.) decided Nov. 7, 1921 (234 S. W. 464). But the growth and necessities of these great labor organizations have brought affirmative legal recognition of their existence and usefulness and provisions for their protection which their members have found necessary. Their right to maintain strikes, when they do not violate law or the rights of others, has been declared. The embezzlement of funds by their officers has been specially denounced as a crime. The so-called union label, which is a quasi trademark to indicate the origin of manufactured product in union labor, has been protected against pirating and deceptive use by the statutes of most of the States, and in many States authority to sue to enjoin its use has been conferred on unions. They have been given distinct and separate representation and the right to appear to represent union interests in statutory arbitrations, and before official labor boards. We insert in the margin an extended reference, furnished by the industry of counsel to legislation of this kind.* More than this, equitable procedure adapting itself to modern needs has grown to recognize the need of representation by one person of many too numerous to sue or to be sued (Story Equity Pleadings, 8th Ed. Sec. 94 and 97; St. Germain v. Bakery Union, 97 Wash. 282; Branson v. Industrial Workers of the World, 30 Nevada 270; Barnes v. Chicago Typographical Union, 232 Ill. 402), and this has had its influence upon the law side of litigation so that out of the very necessities of the existing conditions and the utter impossibility of doing justice otherwise, the suable character of such an organization as this has come to be recognized in some jurisdictions, and many suits for and against labor unions are reported in which no question has been raised as to the right to treat them in their closely united action and functions as artificial persons capable of suing and being sued. It would be unfortunate if an organization with as great power as this International Union has in the raising of large funds and in directing the conduct of four hundred thousand members in carrying on in a wide territory industrial controversies and strikes out of which so much unlawful injury to private rights is possible, could assemble its assets to be used therein free from liability for injuries by torts committed in course of such strikes. To remand persons injured to a suit against each of the 400,000 members to recover damages and to levy on his share of the strike fund would be to leave them remediless.

In the case of Taff Vale Co. v. Amalgamated Society of Railway Servants, 1901 A. C. 426, an English statute provided for the registration of trades unions, authorized them to hold property through trustees, to have agents, and provide for a winding up and a rendering of accounts. A union was sued for damages growing out of a strike. Mr. Justice Farwell, meeting the objection that the union was not a corporation and could not be sued as an artificial person, said:

"If the contention of the defendant Society were well founded the legislature has authorized the creation of numerous bodies of men capable of owning great wealth and of action by agents with absolutely no responsibility for the wrongs that they may do to other persons by the use of that wealth and the employment of those agents."

He therefore geve judgment against the union. This was affirmed by the House of Lords. The legislation in question in that case did not create trade unions but simply recognized their existence and regulated them in certain ways, but neither conferred on them general power to sue, nor imposed liability to be sued. See also Hellenbrand v. Building Trade Council, 14 Ohio D. C. N. P. 628. Holland Jurisprudence, 12th Ed. 341; Pollock's First Book on Jurisprudence 2nd Ed. 125.

Though such a conclusion as to the suability of trades unions is of primary importance in the working out of justice and in protecting individuals and society from possibility of oppression and injury in their lawful rights from the existence of such powerful entities as trade unions, it is after all in essence and principle merely a procedural matter. As a matter of substantive law, all the members of the union engaged in a combination doing unlawful injury are liable to suit and recovery, and the only question is whether when they have voluntarily, and for the purpose of acquiring concentrated strength and the faculty of quick unit and elasticity, created a self-acting body with great funds to accomplish their purpose, they may not be sued as this body, and the funds they have accumulated may not be made to satisfy claims for injuries unlawfully caused in carrying out their united purpose. Trade unions have been recognized as lawful by the Clayton Act; they have been tendered formal incorporation as National Unions by the act of Congress approved June 29, 1886 (24 Stat. 86). In the act of Congress approved August 23, 1912 (37 Stat. 415), a commission on industrial relations was created providing that three of the Commissioners should represent organized labor. The Transportation Act of 1920, Sections 302-307 (41 Stat. 469), recognizes labor unions in creation of railroad boards of adjustment, and provides for action by the Roalroad Labor Board upon their application. The act of Congress approved August 5, 1909, Chap. 6, Sec. 38, 36 Stat. 112 and the act approved October 3, 1913, Chap. 16, subd. G, a. (38 Stat. 172), expressly exempt labor unions from excise taxes. Periodical publications issued by or under the auspices of trades unions are admitted into the mails as second class mail matter. Acts of 1911-1912, Chap. 389 (37 Stat. 550). The legality of labor unions of postal employes is expressly recognized by Act of Congress, approved August 24, 1912, Chap. 389, Sec. 6 (37 Stat. 539, 555). By Act of Congress, passed August 1, 1914, no money was to be used from funds therein appropriated to prosecute unions under the Anti-Trust Act (38 Stat. 609, 652).

In this state of federal legislation we think that such organizations are suable in the federal courts for their acts, and that funds accumulated to be expended in conducting strikes are subject to execution in suits for torts committed by such unions in strikes. The fact that the supreme court of Arkansas has since taken a different view in Baskins v. The United Mine Workers of America, supra, can not under the Conformity Act operate as a limitation on the federal procedure in this regard.

Our conclusion as to the suability of the defendants is confirmed in the case at bar by the words of sections seven and eight of the Anti Trust Law. The persons who may be sued under Section 7 include "corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the territories, the laws of any State, or the laws of any foreign country." This language is very broad, and the words given their natural signification certainly include labor unions like these. They are, as has been abundantly shown, associations existing under the laws of the United States, of the territories thereof, and of the States of the Union.

Congress was passing drastic legislation to remedy a threatening danger to the public welfare, and did not intend that any persons or combination of persons should escape its application. The thought was especially directed against business associations and combinations that were unincorporated to do the things forbidden by the act, but they used language broad enough to include all associations which might violate its provisions recognized by the statutes of the United States or the States or the Territories, or foreign countries as lawfully existing and this, of course, includes labor unions, as the legislation referred to shows. Thus it was that in the cases of United States v. Trans-Missouri Freight Association, 166 U. S. 290, United States v. Joint Traffic Association, 171 U. S. 505, Montague & Co. v. Lowry, 193 U. S. 38, and Eastern States Lumber Association v. United States, 234 U. S. 600, unincorporated associations were made parties in suits in the federal courts under the Anti-Trust Act without question by anyone without the correctness of the procedure.

For these reasons, we conclude that the International Union, the District No. 21 and the 27 Local Unions were properly made parties defendant here and properly served by process on their principal officers.

Third. The next question is whether the International Union was shown by any substantial evidence to have initiated, participated in or ratified the interference with plaintiffs' business which began April 6, 1914, and continued at intervals until July 17, when the matter culminated in a battle and the destruction of the Bache-Denman properties. The strike was a local strike declared by the president and officers of the District Organization No. 21, embracing Arkansas, Oklahoma and Texas. By section 16 of the International Constitution, as we have seen it, could not thus engage in a strike if it involved all or a major part of its district members without sanction of the International Board.

There is nothing to show that the International Board ever authorized it, took any part in preparation for it or in its maintenance. Nor did they or their organization ratify it by paying any of the expenses. It came exactly within the definition of a local strike in the constitutions of both the National and the District organizations. The District made the preparations and paid the bills. It does appear that the president of the National body was in Kansas City and heard of the trouble which had taken place on April 6 at Prairie Creek and that at a meeting of the International Board he reported it as something he had learned on his trip for their official information. He said that a man named Bache had demanded in a suit an accounting of the funds of the Southwestern Coal Operators' Association, that when he secured the information, he "went down to Arkansas and started to run his mine non-union. The boys simply marched in on him in a day down there and kicked his Colorado guards out of there and broke their jaws and put the flag of the United Mine Workers on top of the tipple and pulled the fires out of the boilers, and that was all there was to it, and the mines have been idle ever since. I do not say our boys did this, but I mean the people from all through that country marched in and stopped the work, and when the guards offered resistance, several of them were roughly handled, but no lives were lost as I understand it." Later, in May, he made a long speech at a special convention of District No. 21, held at Fort Smith for a purpose not connected with this matter in which he referred especially to the Colorado and West Virginia strikes in which the International Union was engaged with all its might, but he made no specific allusion to the Prairie Creek difficulty. It does appear that in 1916 after Stewart, the president of District 21, had been convicted of conspiracy to defeat the injunction issued to protect the Prairie Creek mines in this conflict, and had gone to the penitentiary and was pardoned, White, the national president, wrote a letter thanking the President for this, and that subsequently he appointed Stewart to a position on a District committee It would be going very far to consider such acts of the president alone a ratification by the International Board creating liability for a past tort. The president had no authority to order or ratify a local strike. Only the Board could do this. White's report in an executive meeting of the Board of the riot of April 6 shows sympathy with its purpose and a lack of respect for law, but does not imply or prove on his part any prior initiation or indicate a desire to ratify the transaction as his work. The Board took no action on his report. He did not request it.

Communications from outsiders and editorials published in the United Mine Workers' Journal giving accounts of the occurrences at Prairie Creek and representing that the troubles were due to the aggression of the armed guards of the mine owners and that the action of the union men was justified because in defense of their homes against night attacks do not constitute such ratification by the Board or the president after the fact as to make the International Union liable for what had been done.

The argument of counsel for the plaintiffs is that because the National body had authority to discipline District organizations, to make local strikes its own and to pay their cost, if it deemed it wise, the duty was thrust on it when it knew a local strike was on, to superintend it and prevent its becoming lawless at its peril. We do not conceive that such responsibility is imposed on the National body. A corporation is responsible for the wrongs committed by its agents in the course of its business, and this principle is enforced against the contention that torts are ultra vires the corporation. But it must be shown that it is in the business of the corporation. Surely no stricter rule can be enforced against an unincorporated organization like this. Here it is not a question of contract or of holding out an appearance of authority on which some third person acts It is a mere question of actual agency which the constitutions of the two bodies settle conclusively If the International body had interfered or if it had assumed liability by ratification, different questions would have arisen.

Counsel cite section 2 of article 12 of the constitution of District No. 21 to show that questions of all strikes must be referred by District officers to the National President for his decision, and suggest that in the absence of a showing it is to be inferred that they did so here and the strike was approved by him. They misconstrue the section. It applies only to a proposed strike which would affect two Districts and to which one District is opposed. It does not apply to local strikes like this.

But it is said that the District was doing the work of the International and carrying out its policies and this circumstance makes the former an agent. We can not agree to this in the facts of the specific stipulation between them, that in such a case unless the International expressly assumed responsibility, the District must meet it alone. The subsequent events showing that the District did meet the responsibility with its own funds confirm our reliance upon the constitutions of the two bodies.

We conclude that the motions of the International Union, the United Mine Workers of America, and of its president and its other officers, that the jury be directed to return a verdict for them, should have been granted.

Fourth. The next question is twofold; (a) Whether the District No. 21 and the individual defendants participated in a plot unlawfully to deprive the plaintiffs of their employes by intimidation and violence and in the course of it destroyed their properties, and, (b) whether they did these things in pursuance of a conspiracy to restrain and monopolize interstate commerce.

The case made for the plaintiff was as follows:

(a) In March of 1914, when the Prairie Creek No. 4, Mammoth Vein Coal Mine, and the Coronado mines were operating with union labor and under a District No. 21 contract and scale of wages and terms which did not expire until July 1, following. Bache, the manager of all the properties, determined to run his mines thereafter on a non-union or open basis. He had his superintendent prepare a letter setting forth his reasons for the change and forwarded it to his principals in the East to justify the changes of policy which he insisted would result in a substantial reduction in the cost of production. To avoid the charge of a breach of the union scale, he had a contract made between the Mammoth Vein Coal Mining Company, which he controlled, and the Prairie Creek Coal Company and the Mammoth Vein Coal Company, by which the Mammoth Vein Coal Mining Company, a corporation with $100 capital agreed to run the mines, and he considered it free from obligation to the union. He then shut down the mines and prepared, to open them on a non-union basis on April 6. He anticipated trouble. He employed three guards from the Burns Detective Agency, and a number of others to aid them. He bought a number of Winchester rifles and ammunition. He surrounded his principal mining plant at Prairie Creek No. 4 with a cable strung on posts. He had notices prepared for his former employes, who occupied the Company's houses, to vacate. He had notices warning trespassers from the premises posted at the entrance to the tract that was enclosed within the cable. He sent out for non-union men and had gathered some thirty or more at the mine by the day fixed for the opening.

The mines of the plaintiffs lie in the County of Sebastian on the west border of Arkansas, next to Oklahoma, in a hilly country. The whole country is full of coal mines. The annual coal-producing capacity of Arkansas is about 2,000,000 tons. The product is a smokeless coal like the Pocahontas of West Virginia. All the Arkansas mines but one small one were union. The towns in the neighborhood, Hartford, Huntington, Midland, Frogtown, and others were peopled by union miners and the business done in them was dependent on union miners' patronage. Hartford, a town of twenty-five hundred, was about three miles from Prairie Creek, Midland, less in size, lay about the same distance away in another direction, and Huntington was a mile or two further in still another direction. Frogtown was a small village about a mile and a half from Prairie Creek. Stewart, the president of the District No. 21, and the other officers promptly declared a local strike against the Prairie Creek and Mammoth Vein mine and the union miners who had not been discharged from the Coronado mine of the plaintiffs left. Through the agency of the officers of District No. 21 and the local unions, a public meeting was called at the school house, about a quarter of a mile from the Prairie Creek mine. The influence of the union men was exerted upon the shopkeepers of the towns above named to close their stores and attend the meeting. It was given a picnic character and women and children attended. The meeting, after listening to speeches, appointed a committee to visit the superintendent in charge of the mine. On this committee was one Slankard, a constable of the town of Hartford, and a union man, together with two other union miners. They asked the superintendent that the non-union men be sent away and the mine resume operations with union men. The committee was attended by a very large body of union miners. They were met at the entrance to the enclosure by two guards with guns carried behind them. The committee was admitted to see the superintendent and the crowd dealt with the guards. The guards had been directed not to use their guns save to defend their own lives or another's. The union miners assaulted the guards, took the guns away, and so injured a number of the employes, that four or five had to be sent to a hospital. The crowd swarmed over the premises, forced the pulling of the fires and hurled stones at the fleeing guards. The result was that all the employes deserted the mine, and it was completely filled with water which came in when the pumps stopped. One of the crowd went up to the top of the coal tipple and planted a flag on which was the legend, "This as a union man's country."

Mr. Bache, after the riot and lawless violence of April 6, secured from the Federal District Court an injunction against those union miners and others whom his agents could identify as having been present and having taken part. This included the president and secretary-treasurer of the District No. 21 and others. Bache then made preparations to resume mining. The mine was full of water and it required a considerable time to pump it out and get things into proper condition. Because of further threats, the court was applied to to send United States Deputy Marshals to guard the property, and they were sent. Meantime the work of reparation progressed, and Bache's agents were engaged in securing the coming of miners and other employees from in and out of the State to enlarge his force. The attitude of the union miners continued hostile, and constant effort was made by them to intercept the groups of men and women who were brought in by Bache from Tennessee and elsewhere, and to turn them away either by peaceable inducement or by threats and physical intimidation. The vicinage was so permeated with union feeling that the public officers did not hesitate to manifest their enmity toward the non-union men, and made arrests of the guards and others, who were in Bache's employ upon frivolous charges. Rumors were spread abroad through the country that the guards employed by Bache were insulting and making indecent proposals to very young girls in and about Prairie Creek, and P. R. Stewart, the president of District No. 21, in the presence of some ten persons on the public street of Midland, in the latter part of May, denounced the guards for these insults and proposals, and said that he would furnish the guns if the people would take them. The evidence also disclosed that through the secretary-treasurer of District No. 21, some forty or more Winchester rifles were bought from the Remington Arms Company and secretly sent to Hartford for the purpose intended by Stewart. They were paid for by a check signed by Hull, the secretary-treasurer of District No. 21, and countersigned by Stewart, the president. Conversations with Stewart, which Stewart did not take the stand to deny, were sworn to upon the stand, in which he announced that he would not permit the Prairie Creek men to run "non-union" and intended to stop it. McLachlin, who was a member of the Executive Board of District No. 21 in the first week of July, gathered up some of the guns, exactly how many does not appear, and sent them sixty miles to McAlester, Oklahoma, the headquarters of District No. 21 It appeared that guns of like make and caliber were used by the assailants in the attack on the Prairie Creek Mines on July 17th. The United States marshals had been withdrawn from the premises of Prairie Creek Mine No. 4 before July 1, though the guards were retained.

The evidence leaves no doubt that during the month of June there was a plan and movement among the union miners to make an attack upon Prairie Creek Mine No. 4. By this time the number of men secured by Bache had increased to seventy or eighty, and preparations were rapidly going on for a resumption of mining. The tense feeling in respect to the coming attack increased. On Sunday night, July 12, about midnight, there was a fusilade of shots into the village of Frogtown, a small collection of houses, already mentioned, about a mile and a half from Prairie Creek mine. A number of people in fright at the cry that "the scabs were surrounding the town" left and went to Hartford, about two miles away, and thereafter guards were put out at Hartford to defend that town against attack by the guards at Prairie Creek. The ridiculous improbability that the guards at Prairie Creek who were engaged in protecting themselves and the property and in constant fear of attack should make this unprovoked assault upon the town of Frogtown, is manifest from the slightest reading of the evidence, and there crept in through a statement of one of the defendants, an active union man, to a witness who testified to it, that this shooting had been done by the Hartford constable, Slankard, and himself, in order to arouse the hostility of the neighborhood against the men at Prairie Creek. On the night of the 16th the union miners' families who lived in Prairie Creek, were warned by friends to leave that vicinity in order to avoid danger, and at 4 o'clock the next morning the attack was begun by a volley of many shots fired into the premises. A large force with guns attacked the mining premises from all sides later on in the day.

The first movement toward destruction of property was at Mine No. 1, a short distance from No. 4, where the coal washhouse was set on fire. The occupants of the premises were driven out except a few who stayed and entrenched themselves behind coal cars or other protection. Most of the employes and their families fled to the ridges behind which they were able to escape danger from the flying bullets. The forces surrounding the mine were so numerous that by 1 o'clock they had driven out practically all of the defenders and set fire to the

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*1. Legalization of labor unions and labor combinations:

The Clayton Act—approved October 15, 1914, sec. 6, 38 Stat. 730-731. California—Penal Code, 1908, p. 581. Colorado—Rev. Stats. 1908, sec. 3924. Maryland—Supp. Anno. Code, 1913, Art. 27, sec. 40. Massachusetts—Ch. 778, approved July 7, 1914. Minnesota—Ch. 493, approved April 21, 1917. Nevada—Rev. Laws 1912, sec. 6801. New Jersey—Comp. Stats. 1910, sec. 12?, p. 3051. New York—Consol. Laws 1909, Ch. 40, sec. 582. North Dakota—Rev. Code 1905, sec. 8770. Oklahoma—Rev. Laws 1910, sec. 3764. Pennsylvania—Dig. Statute Law 1920, sec. 21247. Texas—Rev. Civ. Stats. 1911, Arts. 5244-5246. Utah—Ch. 68, approved March 8, 1917, laws of 1917, Ch. 68, sec. 1. West Virginia—Acts of 1907, Ch. 78, sec. 19.

2. Exemption from anti-trust laws by statute or judicial decision:

California—Acts of 1909, Ch. 362, sec. 12. Iowa—Rhoifs v. Kasemeier, 140, Iowa 182; 118 N. W. 276. Louisiana—Acts of 1892, Act No. 90, Sec. 8; Rev. Laws, 1897, p. 209. Michigan—Comp. Laws, 1897, sec. 11382. Montana—Rev. Code 1907, sec. 8289; Acts of 1909, Ch. 97, Sec. 2. New Hampshire—Laws of 1917, Ch. 177, sec. 7. Nebraska—Stats. v. Employers, 102 Neb. 768; 169 N. W. 717. Wisconsin—Stats. of 1913, sec. 1747 h.

3. Right given to labor unions to sue to enjoin infringement of registered union label or trademark:

Arkansas—Acts of 1905, Act. 309, sec. 7. Colorado—Mills Supp. 1904, sec. 2985; Rev. Stats. 1908, sec. 6848. Florida—Gen. Laws 1906, sec. 3172. Idaho—Rev. Code of 1908, sec. 1452. Illinois—Rev. Stats. 1905, Ch. 140, sec. 4. Iowa—Code of 1897, sec. 5050. Kansas—Gen. Stats. 1915, sec. 11657. Kentucky—Stats. of 1903, Ch. 120, sec. 4750. Louisiana—Acts of 1898, Act No. 49, sec. 5. Maryland—Supp. Anno. Code, 1914, Art. 27, sec. 53. Montana—Rev. Code 1907, sec. 8455. Nebraska—Comp. Stats. 1913, sec. 3570. Nevada—Rev. Laws 1912, sec. 4636. New Hampshire—Laws of 1895, Ch. 42, sec. 4. New York—Consol. Laws 1909, Ch. 31, sec. 16. Oregon—Bellinger & Cotton's Anno. Stats. 1902, sec. 1845. Pennsylvania—Acts of 1901, Act No. 64, sec. 4; Dig. State Law, 1920, sec. 21341. Rhode Island—Gen. Laws 1909, Ch. 196, sec. 5. South Dakota—Rev. Code 1903, sec. 3194. Tennessee—Acts of 1905, Ch. 21, sec. 6. Texas—Civil Code, 1911, sec. 705. Vermont—Laws of 1908, Act No. 121, sec. 5. Virginia—Code of 1904, sec. 1906d, par. (5). Washington—Gen. Stats. 1910, sec. 9496. West Virginia—Acts of 1901, Ch. 5, sec. 5; Code of 1913, sec. 3582. Wisconsin Stats. of 1911, Ch. 54a, sec. 1747a-5. Wyoming—Comp. Stats. 1910, Ch. 218, sec. 3441.

4. Unauthorized use of registered union label or trademark made an offense:

Alabama—Code of 1907, secs. 7322-7323. Arizona—Penal Code, secs. 355-358. Arkansas—Acts of 1905, Act No. 309 (amended by Ch. 131, Acts of 1909). California—Political Code, 1906, secs. 3200-3201; Penal Code, 1906, secs. 349a-351 (amended by Ch. 181, Acts of 1911). Colorado—Mills' Supp. 1904, sec. 2985-1 to 2985-a; Rev. Stats. 1908, sec. 6844. Connecticut—Gen. Stats. 1902, secs. 4907-4912 (amended by Ch. 151, Acts of 1907). Delaware—Acts of 1899, Ch. 266. Florida—Gen. Stats. 1906, secs. 3169-3172. Georgia—Code of 1910, secs. 1989-1992. Idaho—Rev. Codes of 1908, secs. 1449-1455. Illinois—Rev. Stats 1905, Ch. 140, secs. 1-7. Indiana—Anno. Stats. 1901, secs. 8693-8703; 3 Burns Anno. Stats. 1906, secs. 10452-10463. Iowa—Code of 1897, secs. 5049-5051. Kansas—Gen. Stats. 1909, secs. 9675-9680; Gen. Stats. 1915, secs. 11654-11659. Kentucky—Stats. of 1903, secs. 4749-4755. Louisiana—Acts of 1898, Act No. 43. Maine—Rev. Stats. 1903, Ch. 40, secs. 30-34. Maryland—Pub. Gen. Laws 1903, Art. 27, secs. 12-13. Massachusetts—Rev. Laws 1902, Ch. 72, secs. 7-14. Michigan—Comp. Laws 1897, secs. 11651-11658 (amended by Ch. 279, Acts of 1913). Minnesota—Rev. Laws 1905, secs. 5072-5076. Missouri—Rev. Stats. 1909, secs. 11789-11796. Montana—Penal Code 1907, secs. 8452-8457. Nebraska—Comp. Stats. 1911, secs. 4169-4173. Nevada—Rev. Laws 1912, secs. 4635-4637. New Hampshire—Acts of 1895, Ch. 42. New Jersey—Comp. Stats. 1910, pp. 1802, 5643-5648. New York—Consol. Laws 1909, Ch. 31, secs. 15-16. Ohio—Gen. Code, 1910, secs. 6219-6227, 13102, 13103, 13153-13155; Acts of 1911, p. 4?. Oklahoma—Rev. Laws 1910, secs. 8211-8217. Oregon—Anno. Codes and Stats. 1902, secs. 1841-1848. Pennsylvania—Dig. Statute Law, 1920, secs. 21236-21242. Rhode Island—Gen. Laws 1909, Ch. 196. South Dakota—Political Code 1903, secs. 3190-3195. Tennessee—Acts of 1905, Ch. 21. Texas—Rev. Civ. Stats. 1911, Arts. 705-706; Rev. Crim. Code, Arts. 1395-1396. Utah—Comp. Laws 1907, secs. 2720-2723, 4482, 4483. Vermont—Pub. Stats. of 1906, secs. 4962-4967; Acts of 1908, No. 121. Virginia—Code of 1904, sec. 1906d. Washington—Codes and Stats. 1910, secs. 9492-9500. West Virginia—Acts of 1901, Ch. 5; Hoggs Code, secs. 3575-3585; Code of W. Va., sec. 487. Wisconsin—Stats. of 1911, sec. 1747a. Wyoming—Comp. Stats. 1910, secs. 3439-3444.

5. Unauthorized use of union card, badge, or insignia made an offense:

California—Acts of 1909, Ch. 22. Connecticut—Acts of 1907, Ch. 112, sec. 2. Massachusetts—Acts of 1913, Ch. 514, sec. 32. Minnesota—Rev. Laws 1905, sec. 5053, par. 4. Montana—Rev. Code 1907, sec. 8566. New York—Consol. Laws 1909, Ch. 40, sec. 1278. Ohio—Gen. Code, 1910, sec. 13162. Oregon—Acts of 1911, Ch. 73, secs. 1, 2. Pennsylvania—Dig. Statute Law 1920, sec. 10093?. Texas—Rev. Crim. Stats. 1911, Art. ... 425. Virginia—Acts of 1906, Ch. 54, sec. 1.

6. Right to participate in selection of membership of boards of arbitration in labor controversies:

Alabama—Acts of 1911, p. 320, sec. 6. Alaska—Acts of 1912, Ch. 70, sec. 2. Iowa—Acts of 1913, Ch. 292, secs. 1, 2. Indiana—Anno. Stats. 1901, sec. 7050 e. f. Idaho—Rev. Code 1909, secs. 1430, 1431. Louisiana—Rev. Stats. 1897, Act No. 139, Acts of 1894, sec. 1. Minnesota—Rev. Laws 1905, sec. 1823. Nevada—Rev. Laws 1912, sec. 1930. Nebraska—Rev. Stats. 1913, sec. 3633. Texas—Rev. Civ. Stats. 1911, Art. 71.

7. Right to have member of unions on board of arbitrators.

Connecticut—Gen. Stats. 1902, sec. 4708. Illinois—Hurd's Rev. Stats. 1906, Ch. 10, sec. 19. Indiana—Anno. Stats. 1901, sec. 1750b. Idaho—Rev. Code 1909, sec. 1427. Massachusetts—Acts of 1909, Ch. 514, sec. 10. Maine—Acts of 1909, Ch. 229, sec. 2. Missouri—Rev. Stats. 1909, sec. 7802. Montana—Rev. Code 1907, secs. 1670, 1671. Nebraska—Rev. Stats. 1913, sec. 3633. New Hampshire—Acts of 1911, Ch. 198, sec. 1 as amended by Ch. 156, Acts of 1913. South Carolina—Acts of 1916, Act No. 545, sec. 2. Utah—Comp. Laws 1907, sec. 1324. Vermont—Acts of 1912, Act No. 190, sec. 1.

8. Embezzlement of funds of labor union made a special offense:

Nebraska—Rev. Stats. 1913, sec. 8659. New Hampshire—Pub. Stats. 1891, Ch. 272, sec. 17, as amended by Acts of 1905, Ch. 1. Pennsylvania—Dig. Stat. Law 1920, sec. 21352.

9. Bribery of union representatives made an offense:

Nevada—Rev. Laws 1912, sec. 6794. New Jersey—Acts of 1911, Ch. 94, sec. 1. New York—Consol. Laws 1909, Ch. 40, sec. 380.

10. All public printing to bear union label:

Maryland—Pub. Gen. Laws 1911, Art. 33, sec. 3. Montana—Rev. Code 1907, sec. 364. Nevada—Rev. Laws 1912, sec. 4??4.

coal tipple of Mine No. 4, and destroyed all the plant by the use of dynamite and the match.

The assailants took some of Bache's employes prisoners as they were escaping, and conducted them to a log cabin behind the school house near the mine to which reference has already been made, and where the first riot meeting was held. The four or five prisoners were taken out of the cabin where they had been for a short time confined, and two of them, one a former union man, were deliberately murdered in the presence of their captors, by a man whose identity it was impossible to establish. The evidence in this case clearly shows that Slankard, the constable of Hartford, was present at the killing, and that the men who were killed were in his custody on the way, as he said, to the grand jury. He was subsequently tried before a Sebastian County jury for murder and was acquitted on an alibi. Slankard, though a defendant and in court, did not take the stand in this case. The overwhelming weight of the evidence establishes that this was purely a union attack, under the guidance of District officers.

The testimony offered by defendants to show that it was only an uprising of the indignant citizens of the countryside really tended to confirm the guilt of the District No. 21. Its palpably artificial character showed that basis for it had been framed in advance for the purpose of relieving the officers of District No. 21 and the union miners of their neighborhood from responsibility for the contemplated execution of their destructive and criminal purpose. It is a doubtful question whether this responsibility was not so clearly established that had that been the only element needed to justify a verdict, the court properly might have directed it. The president of District No. 21 and the union miners, including Slankard, whose agency in and leadership of this attack were fully proven were present in the courtroom at the trial, but did not take the stand to deny the facts established. Indeed they had been previously brought to trial for conspiracy to defeat the federal administration of justice and for contempt because of these very acts, had pleaded guilty to the charges made and had been sentenced to imprisonment, and their expenses as defendants in and out of jail had been paid by the District out of the District treasury and the disbursements approved by the District in convention.

It is contended on behalf of District No. 21 and the local unions that only those members of these bodies whom the evidence shows to have participated in the torts can be held civilly liable for the damages. There was evidence to connect all these individual defendants with the acts which were done, and in view of our finding that District No. 21 and the unions are suable, we cannot yield to the argument that it would be necessary to show the guilt of every member of District No. 21 and of each union in order to hold the union and its strike funds to answer. District No. 21 and the local unions were engaged i na work in which the strike was one of the chief instrumentalities for accomplishing the purpose for which their unions were organized. By section #1 of article 12 of the constitution of District No. 21, it is provided that:

"When trouble of a legal character arises between the members of local unions and their employer, the mine committee and officers shall endeavor to effect an amicable adjustment, and failing they shall immediately notify the officers of the district and said district officers shall immediately investigate the cause of the complaint, and failing to effect a peaceful settlement upon a basis that would be equitable and just to the aggrieved members, finding that a strike would best subserve the interests of the localities affected, they may, with the consent and approval of the officers, order a strike."

Thus the authority is put by all the members of the District No. 21 in their officers to order a strike, and if in the conduct of that strike unlawful injuries are inflicted, the District organization is responsible and the fund accumulated for strike purposes may be subjected to the payment of any judgment which is recovered.

(b) It was necessary, however, in order to hold District No. 21 liable in this suit under the Anti-Trust Act, to establish that this conspiracy to attack the Bache-Denman mines and stop the non-union employment there, was with intent to restrain interstate commerce and to monopolize the same, and to subject it to the control of the union. The evidence upon which the plaintiffs relied to establish this and upon which the judgment of the trial court and of the Court of Appeals went, consisted of a history of the relations between the International Union and the union coal operators of certain so-called competitive districts from 1898 until 1914. The miners of Ohio, Indiana and Illinois, large bituminous coal producing states, were members of the union and the coal operators of those states, in spite of strikes and lockouts from time to time, were properly classed as union operators. They met yearly in conference with the union's representatives to agree upon terms of employment from April 1st to April 1st. In these conferences the operators frequently complained that the competition of many non-union mines in Western Pennsylvania and the whole of West Virginia was ruinous to their business because of the low cost of production of coal in such mines due to the lower wages and less expensive conditions of working than in union mines, and urged that something must be done to stop this, or that the union scale of wages be reduced. By section 3 of the contract between the operators of the Central Competitive Coal Field and the United Mine Workers of America, dated Chicago, January 28, 1898, it was stipulated "That the United Mine Workers' organization, a party to this contract, do hereby further agree to afford all possible protection to the trade and to other parties hereto against any unfair competition resulting from a failure to maintain scale rates."

From this time on in every annual conference until after the controversy in the case before us in 1914, the subject recurred. It does not appear when, if any time, wages were reduced because of this plea by the operators. Sometimes the contention of the operators as to the effect of non-union competition was conceded and greater activity in unionizing non-union territory was promised. Again pleas were made by the miners' representatives of the great amount of money expended by the union and in one or two instances, of the sacrifice of human lives to effect this result. Again the union leaders flatly refused to be further affected by the argument and charged that the non-union competition of West Virginia, which was always the principal factor, was only possible because some of the most important union operators in Ohio and the central competitive field really were interested as non-union operators in West Virginia. There was considerable discussion as to the non-union competition of Kentucky fields as a basis for the operators' complaints. At times, there were suggestions from the miners' side that the operators ought to contribute funds to enable the campaign of unionizing to go on, but they never seem to have met with favor.

In general convention of the union of 1904, a local union from the Indian Territory in District No 21 submitted a resolution which was adopted in respect to the then Colorado strike:

"Resolved, That in strict compliance with our obligations and teachings, we accord a hearty approval to our National Board on its action in regard to District No. 15, now on in Colorado, and whatever action taken by the National that in their judgment is necessary to the successful ending in the elevating of the craft in District No. 15 meets our entire approval for which we pledge our unqualified support, as our knowledge of the southern field of Southern Colorado in the event of an unsuccessful issue of the trouble now pending would work almost unsurmountable and incalculable damage to District No. 21, as it would be an unjust competition in the same commercial field and could with little effort undersell and supersede us in Oklahoma and southwestern Kansas markets."

In a joint conference between the union leaders and the coal operators in 1904, Mr. Mitchell, the president of the union, spoke as follows:

"I believe the discussion of this matter should be carried on with perfect frankness and candor on both sides. I don't think we should disguise our position at all; and I want to state for our side of the house just where we are, as I understand it. We don't believe that a reduction in the mining rate will help you. We know that it will do us incalculable injury. We don't believe that a reduction in the mining rate will securef or you a larger amount of trade than you now have. We don't believe that the industry will be benefited by reducing wages. We know that in the past every reduction in wages has been given to the large consumers of coal—not to the domestic trade, not to those who can ill afford to pay high rates for coal, but to the railroad companies and the great manufacturers. We know that when the mining rate is lowest your profits have been least.

"Now, gentlemen, it has required many years of work and effort and sacrifice to make wages at the mines compare favorably with wages in other industries. We are not going back to the old conditions; we are not going to consent to a reduction in wages. We believe the best thing to do is to renew our present wage scale; to make such modifications of internal questions as seem right, and then return and work out the coming scale year as we have the past scale year. I think we may as well understand now as at any other time that we are not going to consent to a reduced mining rate."

At the convention in 1906 a resolution that Districts 13, 14, 21, 24 and 25 be admitted to the interstate joint conference was adopted. This was urged by President Mitchell of the Union, and the Secretary, W. B. Wilson. The later said:

"If I understand the principle upon which this movement is based, it is to bring into the joint conference these operators and those miners of the Southwestern District whose competitive business is closely related to each other; and in asking that the operators of the Southwestern District be admitted to this conference, we are simply carrying out that principle. The coal mined in Western Pennsylvania comes in immediate competition and direct competition with Ohio; that mined in Ohio, as well as that in Pennsylvania, comes in competition with Indiana and Illinois; that mined in Illinois comes in contact with Iowa; that mined in Iowa comes in competition with Missouri and coal mined in Missouri comes in competition with Kansas, Arkansas and the Indian Territory. They are all related to one another. They are all competitors with one another, and it is but just and fair that each of these fields should have a representation in the joint conferences that sets a base for the prices of the ensuing year. This is the first conference that is held. Whatever wages are agreed upon here, whether it is an increase in wages, a decrease in wages, improved conditions or otherwise, it sets the pace for other districts and those other districts have no voice in saying what that price shall be. In order to avoid that condition of affairs, in order to give justice to the operators and miners in other fields not represented here at the present time, we ask you as a matter of fairness and justice to permit those whose operators and miners are represented here, to participate in this joint conference."

In 1910, Bache, as a union operator, took part for his mines in fixing the scale of wages in District No. 21. Later on, at the time of a conference, he made a separate scale with the District No. 21 more favorable in some respects than that subsequently agreed on in the conference with the other operators, and he was for that reason expelled from the operators' association. He was permitted at a later time to rejoin it, but he had some litigation with it in respect to their funds, the nature of which is not disclosed by the record.

In 1913 and 1914, and in the years preceding, the International Union had carried on two strikes of great extent covering the Colorado fields, and the Ohio and West Virginia fields, in which very large sums of money had been expended and there was much lawlessness and violence. Its treasury had been drained and it borrowed $75,000 from District No. 21 during this period.

The foregoing will enable one to acquire a fair idea of the national situation, shown by the Record, in respect to the mining and sale of coal so far as it bears upon this case and upon this state of fact. The plaintiffs charge that there has been and is a continuously operating conspiracy between union coal operators and the International Union to restrain interstate commerce in coal and to monopolize it, and that the work of District No. 21 at Prairie Creek was a step in that conspiracy for which it can be held liable under the Anti-Trust Act.

Coal mining is not interstate commerce, and the power of Congress does not extend to its regulation as such. In Hammer v. Dagenhart, 247 U. S. 251, 272, we said, "The making of goods and the mining of coal are not interstate commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce make their production a part thereof. Delaware, Lackawanna & Western R. R. Co. v. Yurkonis, 238 U. S. 439." Obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it, of course, may affect it by reducing the amount of coal to be carried in that commerce. We have had occasion to consider the principles governing the validity of congressional restraint of such indirect obstructions to interstate commerce in Swift v. United States, 196 U. S. 375; United States v. Patton, 226 U. S. 525; United States v. Ferger, 250 U. S. 199; Wisconsin R. R. Commission v. C. B. & Q. R. R., decided February 27, 1922, and Stafford v. Wallace, decided May 1, 1922. It is clear from these cases that if Congress deems certain recurring practices though not really part of interstate commerce, likely to obstruct, restrain or burden it, it has the power to subject them to national supervision and restraint. Again, it has the power to punish conspiracies in which such practices are part of the plan, to hinder, restrain or monopolize interstate commerce. But in the latter case, the intent to injure, obstruct or restrain interstate commerce must appear as an obvious consequence of what is to be done, or be shown by direct evidence or other circumstances.

What really is shown by the evidence in the case at bar, drawn from discussions, and resolutions of conventions and conference, is the stimulation of union leaders to press their unionization of non-union mines not only as a direct means of bettering the conditions and wages of their workers, but also as a means of lessening interstate competition for union operators which in turn would lessen the pressure of those operators for reduction of the union scale or their resistance to an increase. The latter is a secondary or ancillary motive whose actuating force in a given case necessarily is dependent on the particular circumstances to which it is sought to make it applicable. If unlawful means had here been used by the National body to unionize mines whose product was important, actually or potentially, in affecting prices in interstate commerce, the evidence in question would clearly tend to show that that body was guilty of an actionable conspiracy under the Anti-Trust Act. This principle is involved in the decision of the case of Hitchman Coal Company v. Mitchell, 245 U. S. 229, and is restated in American Steel Foundries v. Tri-City Central Trades Council, decided December 5, 1921. But it is not a permissible interpretation of the evidence in question that it tends to show that the motive indicated hereby actuates every lawless strike of a local and sporadic character not initiated by the National body but by one of its subordinate subdivisions. The very fact that local strikes are provided for in the unions' constitution, and so may not engage the energies or funds of the National body, confirms this view. Such a local case of a lawless strike must stand on its own facts, and while these conventions and discussions may reveal a general policy, the circumstances or direct evidence should supply the link between them and the local situation to make an unlawful local strike not initiated or financed by the main organization, a step in an actionable conspiracy to restrain the freedom of interstate commerce which the Anti-Trust Act was intended to protect.

This case is very different from Loewe v. Lawlor, 208 U. S. 274. There the gist of the charge held to be a violation of the Anti-Trust Act was the effort of the defendants, members of a trades union, by a boycott against a manufacturer of hats to destroy his interstate sales in hats. The direct object of attack was interstate commerce.

So, too, it differs from Eastern States Retail Lumber Dealers Association v. United States, 234, U. S. 600, where the interstate retail trade of wholesale lumber men with consumers was restrained by a combination of retail dealers by an agreement among the latter to blacklist or boycott any wholesaler engaged in such retail trade. It was the commerce itself which was the object of the conspiracy. In United States v. Patten, 226 U. S. 525, running a corner in cotton in New York City by which the defendants were conspiring to obtain control of the available supply and to enhance the price to all buyers in every market of the country was held to be a conspiracy to restrain interstate trade because cotton was the subject of interstate trade and such control would directly and materially impede and burden the due course of trade among the States and inflict upon the public the injuries which the Anti-Trust Act was designed to prevent. Although running the corner was not interstate commerce, the necessary effect of the control of the available supply would be to obstruct and restrain interstate commerce and so the conspirators were charged with the intent to restrain. The difference between the Patten case and that of Ware & Leland v. Mobile County, 209 U. S. 405, illustrates a distinction to be drawn in cases which do not involve interstate commerce intrinsically, but which may or may not be regarded as effecting interstate commerce so directly as to be within the federal regulatory power. In the Ware & Leland case, the question was whether a State could tax the business of a broker dealing in contracts for the future delivery of cotton where there was no obligation to ship from one State to another. Te tax was sustained and dealing in cotton futures was held not to be interstate commerce, and yet thereafter such dealings in cotton futures as were alleged in the Patten case where they were part of a conspiracy to bring the entire cotton trade within its influence, were held to be in restraint of interstate commerce. And so in the case at bar, coal mining is not interstate commerce and the obstruction of coal mining, though it may prevent coal from going into interstate commerce, is not a restraint of that commerce unless the obstruction to mining is intended to restrain commerce in it or has necessarily such a direct, material and substantial effect to restrain it that the intent reasonably must be inferred.

In the case at bar, there is nothing in the circumstances or the declarations of the parties to indicate that Stewart, the president of District No. 21, or Hull, its secretary-treasurer, or any of their accomplices had in mind interference with interstate commerce or competition when they entered upon their unlawful combination to break up Bache's plan to carry on his mines with non-union men. The circumstances were ample to supply a full local motive for the conspiracy. Stewart said: "We are not going to let them dig coal—the scabs." His attention and that of his men was fastened on the presence of union men in the mines in that local community. The circumstance that a car loaded with coal and bill to a town in Louisiana was burned by the conspirators has no significance upon this head. The car had been used in the battle by some of Bache's men for defense. It offered protection and its burning was only a part of the general destruction.

Bache's breach of his contract with the District No. 21 in employing non-union men three months before it expired, his attempt to evade his obligation by a hugger-mugger of his numerous corporations, his advertised anticipation of trespass and violence by warning notices, by enclosing his mining premises with a cable and stationing guards with guns to defend them, all these, in the heart of a territory that had been completely unionized for years were calculated to arouse a bitterness of spirit entirely local among the union miners against a policy that brought in strangers and excluded themselves or their union colleagues from the houses they had occupied and the wages they had enjoyed. In the letter which Bache dictated in favor of operating the mines on a non-union basis, he said, "To do this means a bitter fight but in my opinion it can be accomplished by proper organization'" Bache also testified that he was entering into a matter he knew was perilous and dangerous to his companies because in that section there was only one other mine running on a non-union basis. Nothing of this is recited to justify in the slightest the lawlessness and outrages committed, but only to point out that as it was a local strike within the meaning of the International and District constitutions, so it was in fact a local strike, local in its origin and motive, local in its waging, and local in its felonious and murderous ending.

But is it said that these District officers and their lieutenants among the miners must be charged with an intention to do what would be the natural result of their own acts, that they must have known that obstruction to mining coal in the Bache-Denman mines would keep 75 per cent of their output from being shipped out of the State into interstate competition, and to that extent would help union operators in their competition for business. In a national production of from ten to fifteen million tons a week, or in a production in District No. 21 of 150,000 tons a week, five thousand tons a week which the Bache-Denman mines in most prosperous times could not exceed, would have no appreciable effect upon the price of coal or non-union competition. The saving in the price per ton of coal under non-union conditions was said by plaintiff's witnesses to be from seventeen to twenty cents, but surely no one would say that such saving on 5,000 tons would have a substantial effect on prices of coal in interstate commerce. Nor could it be inferred that Bache intended to cut the price of coal. His purpose was probably to pocket the profit that such a reduction made possible. If it be said that what District No. 21 feared was that if Bache were successful, the defection among union operators would spread and ultimately the whole District field of District No. 21 in Arkansas, Oklahoma and Texas would become non-union, and interstate commerce would then be substantially affected, it may be answered that this is remote and no statement or circumstance appears in the record from which it can be inferred that the participants in the local strike had such a possibility in mind or thought they were thus protecting union operators in a control or monopoly of interstate commerce. The result of our consideration of the entire record is that there was no evidence submitted to the jury upon which they properly could find that the outrages, felonies and murders of District 21 and its companies in crime were committed by them in a conspiracy to restrain or monopolize interstate commerce. The motion to direct the jury to return a verdict for the defendants should have been granted.

Fifth. These conclusions make it unnecessary to examine the objection which the plaintiffs in error make to the supplemental charge of the Court.

The case has been prepared by counsel for the plaintiffs with rare assiduity and ability. The circumstances are such as to awaken regret that in our view of the federal jurisdiction we can not affirm the judgment. But it is of far higher importance that we should preserve inviolate the fundamental limitations in respect to the federal jurisdiction.

The judgment is reversed, and the case remanded to the District Court for further proceedings in conformity to this opinion.

SIGNIFICANCE OF SUPREME COURT'S DECISION IN THE CORONADO CASE

The supreme court of the United States has ruled that unincorporated trade unions can be sued.

The decision means that big business has won its objective in its long campaign for trade union incorporation.

The court made this decision in the case of Coronado coal company versus the United Mine Workers.

In 1914 the company, and others, began operation under anti-union conditions. Disorder and bitterness were associated with the strike and the international union of mine workers was sued for damages. A verdict of $200,000 was rendered in the Arkansas federal court, which was trebled under the Sherman anti-trust law. This, together with court costs and attorney's fees totaled over $1,000,000, which the United Mine Workers guaranteed by liberty bonds deposited with the court.

In its decision the court, with expressions of regret, orders these funds returned to the United Mine Workers, and holds that the Arkansas miners, (district No. 21), must be sued, as the strike was a local one and the United Mine Workers, as an international union, was not connected with it. The case is remanded back for trial under these instructions.

Anti-union coal owners must start their fight all over again, and if they win against the Arkansas miners they will find a depleted treasury. Big business, however, has won a tremendous victory and has been repaid with interest for its support of the miners' opponents.

Summed up, the court rules that in this case the international union of miners cannot be sued or held liable for the Arkansas strike, which is a local affair. But the court for the first time in American history lays down the broad principle that a trade union on strike can be sued and its strike funds seized for damages.

In defending this new position Chief Justice Taft cites section 7 of the anti-trust act, which declares that the persons who may be sued under the act include "corporations and associations existing under or authorized by the law of either the United States, or the laws of any foreign country."

"The language," said the chief justice, "is very broad, and the words, given their natural significance, certainly include labor unions like these."

The chief justice takes this position regardless of the historic fret that the authors of the anti-trust law never intended to include trade unions in its scope and did not deem it essential to comply with labor's plea that the act be amended to this effect.

The court justifies its new position because "of the growth and necessities of these great labor organizations," and reads into the anti-trust law a meaning that was never intended by lawmakers, who were striving to break up combinations of men who were monopolizing commodities.

The decision means that when a union orders a strike its strike funds can be tied up and levied on by damage suits.

It is almost safe to predict that the decision marks the end of "can't-strike" agitation, and that big business will no longer finance or even be interested in surface-thinking editors, political mountebanks and economic ghost dancers who urge handcuff laws.

These laws are no longer necessary. The supreme court of the United States has arranged matters to suit the convenience of big business, which can hereafter turn its strikebreaking over to the judiciary.

CONGRESS MUST NOT OBSTRUCT CHILD LABOR LEGISLATION

Washington, June 10.—"If the attitude of the judiciary committee of the house of representatives is a guide to congressional sentiment, we have a fight on our hands," declared President Gomppers, chairman of the newly-organized permanent conference for the abolition of child labor, in giving his impression of the outlook for cngressional action in the interest of the elimination of child labor for profit after the committee hearing at which President Gompers and other delegates to the national child labor conference appeared to urge child labor legislation.

"It is amazing and astounding that it should be necessary to ask congress to protect childhood," continued President Gompers. "Congress ought to be eager to perform this duty. Expressions from members of of the house committee on the judiciary, however, indicated much more of a desire to find a way out than to find a way through to success.

"But congress will get no rest. The issue is before the country. We are prepared to fight the issue through to a conclusion that shall be final and that shall at last bring freedom to American childhood.

"There is no irony, no bitter sarcasm sufficient to express the consternation and chagrin of an American at the situation in which we find ourselves.

"We must remedy this shameful condition of affairs. We must make exploitation of childhood a thing of the past.

"Practically every national organization interested in freedom and child welfare is pledged to this great movement. There can be no answer but success; and my advice to a congress which already has a sufficiency of sins to its discredit is not to obstruct this measure of justice."

GOMPERS HEADS CONFERENCE TO ABOLISH CHILD LABOR

Washington, June 10.—The national child labor conference convened by President Gompers organized the permanent conference for the abolition of child labor to work determinedly to abolish child labor for profit throughout the United States and Canada. The conference was called to consider the situation arising from the decision of the United States supreme court that the federal child labor law imposing an excise tax upon the profits of child labor products is unconstitutional.

Mr. Gompers was elected chairman of the permanent conference; Miss Florence Kelley of the national consumers' league, vice chairman; and Miss Matilda Lindsey of the national woman's trade union league, secretary.

The conference authorized the chairman to appoint a committee of 10 to coordinate the efforts of organizations working for the abolition of child labor; the committee was instructed to prepare for submission to a subsequent meeting of the conference the best possible bill to meet the objections of the supreme court to the two federal child labor laws already hit with the judicial veto as well as a constitutional amendment designed to confer upon congress authority to enact child labor legislation.

Mr. Gompers told the conference that it ought to be the universal policy to demand of every candidate for congress this fall a pledge to support whatever legislation may be necessary to end child labor, and that citizens should vote for no candidate who refuses to give such a pledge.

The delegates to the conference attended in a body the child labor hearing arranged by the house judiciary committee. President Gompers; Owen R. Lovejoy, secretary of the national child labor committee; and Mrs. Florence Kelley, secretary of the national consumers league, emphasized the necessity of child labor legislation. President Gompers declared the committee that industries unable to exist without turning the lives of children into profit have no right to live.

"LUCKY" STEEL TRUST ESCAPES FREIGHT CUT

New York, June 10.—The steel trust is "lucky." It escapes the 10 per cent freight cut, ordered by the interstate comerce commission, and it is privileged to take advantage of recent wage reductons by the railroad labor board.

This information was developed when John A. Topping, an officer of the republican iron and steel company, was bein examined by Samuel Untermyer, counsel for the Lockwood committee. The witness stated that the trust's ore-carrying railroads, which are approximately 1,000 miles long, are not affected by the freight cut. All of the independents must use these roads to secure their raw material.

Mr. Topping estimated that the steel trust possesses a differential of from $3 to $5 a ton over independents because of transportation advantages, control of raw material, massed production and greater efficiency. This differential amounts to from $51,000,000 and $85,000,000,000 a year, but the trust makes no attempt to pass this difference to the public.

The witness stated that he would not "go so far" as to say that the steel trust has the independents "by the throat," but he acknowledged that the trust's differential gave it "a very decided advantage," and that when demand was in excess of supply the trust had the independents "in the hollow of its hand."

The president of the Midvale steel and ordnance company said that there were a lot of occupations "that were more pleasanter and safer than to buck up against the United States steel corporation with a merger that is not agreeable to J. P. Morgan & Co."

Financial Imperialists Take Over Bolivia

New York, June 10.—Financial imperialists of the United States have secured a strangle hold upon the people of the Republic of Bolivia in the $24,000,000 25-year loan engineered by a syndicate of New York banking concerns. The interest rate is 8 per cent, and the security shows that when United States financiers conclude to take over a South American Republic they take everything in sight.

In addition to the bonds being the direct obligation of the Bolivian government, they are, moreover, secured by a first mortgage on certain government trunk line railroads now under construction, and are a first lien and charge upon all import and export duties, upon the government's controlling stock interest in the National bank of Bolivia and the dividends thereon, upon 90 per cent of the proceeds of the tobacco monopoly, and upon the taxes derived from mining claims, corporations, net income of banks, and net profits of mining companies, and upon other sources of revenue.

So long as any of the bonds are outstanding the collection of the taxes, revenue and income of Bolivia will be supervised by a permanent financial commission of three appointed by the Bolivian president, two of whom are to be named by the bankers' syndicate which engineered the loan. Enough of the revenues collected to meet the interest and sinking fund requirements are to be transmitted monthly to the New York Equitable Trust Company, syndicate trustee.

To make the terms still harder, the bankers' syndicate demanded that the bonds shall be redeemed at $105 for every $100 after 1937 and prior to the maturity date, 1947. Under this redemption scheme the Bolivian people will pay from 8.2 to 14 per cent, depending on the redemption dates. In addition it is understood that the bankers' syndicate takes a goodsized rakeoff for floating the loan.

HOW THE COAL GOUGERS GOUGE THE PUBLIC

Washington, June 10.—"Overvaluation and writing up of appreciated values" amounting to $155,000,000 in an alleged total investment of $675,000,000 as a device to conceal their actual rate of profit is charged against 1126 bituminous coal mine companies in a report on investment and profits of coal owners for the past six years, submitted to congress by the federal trade commission.

The report declares that many companies also reduce their apparent rates of return "through inclusion in their investment of vast tonnages of coal deposits far beyond what is necessary for use during the life of their present mines and mining equipment."

Seven large companies investigated have enough unmined coal to keep them operating for 168 years at their maximum rate of production in 1918. The companies, it seems, regard interest on their investment for this entire period as a legitimate charge to be reflected in the price of coal. The commission, however, considers coal deposits above the average requirements for 30 years as "excess reserves," and declares that the practice of the companies is an indefensible element in raising prices. "The inclusion of investment in excess coal lands makes the rate of return, and therefore the price of coal, appear more reasonable than it otherwise could. For each ton of coal bought by the consumer over 20 cents a ton would be required if they are to pay an annual return of only 8 per cent on the $22,000,000 which they have invested in excess reserves."

The commission estimates that if these "excess reserves could be taken out of the 1126 companies it would reduce their investment from $3.12 to $2.50 per ton or less."

One large company in the balance sheet submitted included so much overvaluation and apreciation that the commission revised it downward "over 54 per cent."

This "overvaluation and writing up of appreciated values" and the "inclusion of investment in excess coal lands," roundly condemned by the commission's report, are understood to figure in the "nonprofiteering" price submitted by the operators to the secretary of commerce and promulgated by him as "fair."

As to profits of the coal owners the commission declares that for the six years 1916-1921 the return on investment averages 15 per cent running as high as 29 per cent in 1917. The figures for the first three years were collected by the commission; for the last three they were supplied by the national coal association. The commission says that it "does not vouch for" the coal association's figures, which may be interpreted as an indirect way of saying that the association's returns are padded to conceal profits.

In 1920 the coal owners secured an injunction restraining the commission from requiring the coal companies to make business reports to the commission. Since then the national coal association is the only source of information concerning the reasonableness of prices which the operators charge.

Supreme Court "Trust-Busting" Don't Bust

Washington, June 10.—The decree of the United States supreme court ordering the dissolution of the transportation trust known as the Southern Pacific and Central Pacific merger is not expected to bring about competition between those two companies. This is apparent by the result of the supreme court's decree some years ago dissolving the Standard Oil company as a combination in restraint of trade. Senator Harris, of Georgia, tells how the "dissolution" has worked:

"Under the dissolution decree the Standard Oil Company did not change their stockholders; they dissolved the one big company and formed several, about 20, and divided the territory. The same stockholders own the same interest in practically all of the companies, and of course these companies are run just as one company. About 70 per cent of all the stock in all the different Standard Oil companies is owned by the same people; about 53 per cent of all the stock is owned by 16 persons. They are today, as investigation by the Federal Trade Commission shows, operated as one company, and there is no competition. As long as the same stockholders control a majority of the stock in all the companies of course there never will be any competition."

Hoover to Probe Coal Production

Washington, June 10.—The senate has directed Secretary of Commerce Hoover to investigate the bituminous coal industry and inform the Senate, if the information is "not incompatible with the public interests" with respect to the present supply of mined coal, average weekly production and consumption since the coal strike began, the amount of coal necessary to keep the people of the United States going until next spring, the effect of the strike on present prices and its probable effect on future prices, and the extent of the governmental action taken either to end the strike or protect the consumers against exorbitant prices.

Rent Profiteers Sued for Refunds

Washington, June 10.—The Washington Rent Commission has brought suits in the courts here against over 200 rent profiteers who owe tenants $200,000 in rents collected beyond the figures fixed by the rent commission. The profiteers are also liable for $25,000 in fines for violation of the rent commission's decress. The landlords gambled on the courts declaring the rent commission act unconstitutional, raised rents right and left in spite of the commission's rulings, and collected the unlawful amounts from tenants who paid under threat of eviction.

Orientals Not Permitted In Seamen's Union

Washington, June 10.—"The statement which has appeared in several labor journals that the International Seamen's Union of America has announced that it has decided to allow orientals to become members of the organization is not true," declares Patrick O'Brien, legislative agent of the seamen. "The International Seamen's Union of America has not now or at any other time made such statement; in fact, the constitution of the union states specifically that 'all members must be eligible to become citizens of these United States.'"

Railroad Executive Favors Wage Cut

New York, June 10.—"I particularly favor the reduction in wages," declared Thomas De Witt Cuyler, chairman of the association of railway executives and one of the directors of the Pennsylvania railroad company, in a statement relative to the $48,000,000 wage cut with which the railroad labor board reduced the already too low standard of living of the 400,000 maintenance-of-ways employes and their families.

The main business of the association of railway executives since the railroads went back to private operation has been the reduction of wages of the railroad workers, reflecting the savings in wages, in more dividends and interest to the stockholders and bondowners.

Cuyler's own road, the Pennsylvania, has just passed out in the neighborhood of $5,000,000 in its quarterly dividend, and hopes that by wage cuts they will be able to raise the quarterly dividend to $7,500,000.

Railroad Wages Down Railroad Profits Up

Chicago, June 10.—The Chicago, Burlington and Quincy railroad came through 1921 with a substntial addition to surplus after paying cash dividends larger than any other year since its organization with the exception of 1917. The stockholders divided up spot cash dividends among themselves amounting to $19,300,000, compared with $8,867,000 in 1920. The net income for the year, after deducting charges and taxes, amount to $25,609,000. It will be recalled that the railroad owners' wage slashing made its deepest cut in 1921, the same year when the C. B. & Q's dividends go higher than ever before with one single exception.

SHEARING "LAMBS."

Philadelphia, June 10.—Six officials and stock salesmen of the bankrupt Remington phonograph company have been indicted on charges of using the mails to defraud and conspiracy. Postal authorities charge that stock of the concern was sold as high as $12 and $15, of which the company received but $5. Many widows are among the victims.

PEKIN STREET RAILWAYS.

Pekin, China, June 10.—The Pekin tramways company has called for tenders for the construction of the Pekin street car system for which the company holds the concession. The Chinese government subscribes $500,000 to the company's stock and appoints eleven members of the board of directors.

BANKS MILK GOVERNMENT.

Washington, June 10.—The bankers eagerly picked up the $200,000,000 6½ months' 3¾ per cent treasury of the Treasury Mellon.

The income tax law permits people to pay their income taxes in quarterly instalments during the year after the taxes are due. This provision is a great asset for big business, and enables them to use for from 2 to 12 months many millions of dollars due the government. In the meantime the government, lacking the money to meet its current expenses, makes short term loans from the banks. The interest on this little dab of government financing will amount to some $3,301,000, because big business and others are permitted to withhold their taxes and thus compel the government to borrow from the financiers.

FUR WORKERS UNITING.

Long Island City, N. Y., June 10.—Reports to the International Fur Workers' union show that an extensive organizing campaign is on in Montreal and Toronto.

Government Agency For Coal Facts

New York, June 10.—A government fact-finding agency to determine costs, profits and investment in the coal industry is recommended in a report of the nationalization research committee of the United Mine Workers of America. Coal owners who refuse to give the facts to the government agency would be liable to heavy penalties and imprisonment, according to the committee's proposal. The committee claims that these essential facts for determining industrial relations and the relations of the coal industry to society are concealed by the coal owners, and that nothing short of government compulsion will let in the light of truth.

"American Federation of Labor Is American, Progressive, Practical" —GOMPERS

New York, N. Y., June 10.—"The American Federation of Labor is a strictly American organization," declares President Gompers in an article in the New York Tribune on the progressiveness of the Federation. "It must function in accord with American institutions and with American psychology. Its policies must be the growth of our own soil.

"The American Federation of Labor is progressive in every good sense, rejecting nothing that is progressive if it is also practical.

"The American Federation of Labor is not a dream movement, sailing onward through crowds. Neither is it an aimless movement adrift in fogs. It knows where it is going, because the American workers know where they want to go, and because they are willing to carve the road as they go out oftheir experience.

"If the American Federation of Labor was not progressive it could not hold the allegiance of the American workers; if it were not basically sound in structure and in policy it could not have withstood the violent attacks of its bourbon enemies in the last two years.

Our movement is ever going forward in the service of the workers, with its ideals and its principles as lofty as are to be found, but with its day to day work patterned after the needs of the hour and the conditions of the struggle."